

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VICTOR RODRIGUEZ,

v.

UNITED STATES OF AMERICA.

No. 04-5942

MEMORANDUM/ORDER

May 29, 2008.

Petitioner's Memorandum of Law in support of his motion pursuant to 28 U.S.C. § 2255 has inadvertently been filed as a motion in the docket of this action. Civil No. 04-5942, docket # 1. This filing is duplicative of the document filed as docket # 1021 in Criminal No. 98-362-12.

ACCORDINGLY, it is hereby ORDERED that the document filed as a motion in this case, docket # 1, is hereby DISMISSED AS MOOT.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.